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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/982,559	12/02/97	CAHILL	J NSP-CASE-5

IM62/0830
FLYNN THIEL BOUTELL & TANIS
2026 RAMBLING ROAD
KALAMAZOO MI 49008

EXAMINER

GUARRIELLO, J

ART UNIT	PAPER NUMBER
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1771

13

DATE MAILED:

08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/982559

Applicant(s)

Cahill

Examiner

John Guarriello

Group Art Unit

1771

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 6/19/2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 2 - 25 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 2 - 25 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

15. Examiner acknowledges paper # 12 the amendment of 6/19/2000.

16. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17. Claims 2-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman 4,425,396 in view of Canada 741 725 and Minnick 5,098,778.

Rejection is maintained with the addition modification of '725 in order to meet the limitation first layer of density of 0.5-3 lb./cu. ft. '725 teaches multilayer product with fiberglass and resin binder, (page 4, lines 3-28). '725 teaches the insulating layer has a density of 0.5 lbs./cu.ft.to about 10 lbs./cu.ft.,(page 4, lines 26-28). Applicant's arguments regarding the wall structure have been considered and reviewed but since claim 23 is in a Jepson claim format, wind loads for the government requirements are known, the improvement with the layers is taught by the art of record and the limitations

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regarding the density of the layer are also taught by '725 and it would be obvious to one of ordinary skill in the art at the time the invention was made to arrange the layers of the wall structure such that the wind requirements are clearly met since this has been held to be routine in the art, *In re Japikse*, 86 USPQ 70.

18. Rejections not maintained are withdrawn.

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Canada 2,214,302 teaches density of the insulating layer, page 4, lines 20-28.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Guarriello whose telephone number is (703) 308-3209. The examiner can normally be reached on Monday to Friday from 8 am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris , can be reached on (703) 308-2414. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


John J. Guarriello:gj

Patent Examiner

August 21, 2000


TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700